



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0593-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Nghi VAN NGUYEN et al.) Group Art Unit: 1751
)
Application No.: 09/931,912) Examiner: E. Elhilo
)
Filed: August 20, 2001) Confirmation No.: 4343
)
For: COMPOSITIONS COMPRISING)
AT LEAST ONE HYDROXIDE)
COMPOUND AND AT LEAST)
ONE REDUCING AGENT, AND)
METHODS FOR RELAXING HAIR)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination and Submission in the above-referenced application.

Copies of the listed documents are attached, with the exception of copies of the U.S. patents, U.S. patent application publications, and Office Actions from co-pending applications, which are available on the Image File Wrapper System.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CN 1138450 A** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,932,201, which is listed on the attached PTO Form SB/08.
2. **JP-A S50-029756** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were cited with the Information Disclosure Statements dated November 15, 2001, and October 27, 2003, respectively.
3. **JP-A S50-029757** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were cited with the Information Disclosure Statements dated November 15, 2001, and October 27, 2003, respectively.

4. **JP-A S63-190814** - The document is believed to be related to U.S. Patent No. 5,294,230, which is listed on the attached PTO Form SB/08.

5. **JP-A H02-104515** - The document is believed to be related to EP 0 354 835, which was submitted with the Information Disclosure Statement dated September 7, 2005.

6. **JP-A H04-243860** - The document is believed to be related to U.S. Patent No. 5,154,918, which was cited with the Information Disclosure Statement dated November 15, 2001.

7. **JP-A H04-295413** - The document is believed to be related to U.S. Patent No. 5,223,252, which was cited with the Information Disclosure Statement dated September 7, 2005.

8. **JP-A H05-246827** - The document is believed to be related to EP Patent No. 0 512 879, which was submitted with the Information Disclosure Statement dated September 7, 2005.

9. **JP-A H08-245559** - The document is believed to be related to U.S. Patent No. 5,679,332, which was cited with the Information Disclosure Statement dated September 7, 2005.

10. **JP-A H5-39211** - The document is believed to be related to U.S. Patent No. 5,419,895, which is listed on the attached PTO Form SB/08.

11. **JP-A H6-172141** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

12. **JP-A H6-343511** - The document is believed to be related to U.S. Patent No. 5,565,192, which is listed on the attached PTO Form SB/08.
13. **JP-A H7-101840** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
14. **JP-A 2002-003346** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
15. **JP-A 2002-68976** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
16. **WO 99/18922** - An English language abstract of this foreign language document can be found on the title page of this document.
17. **Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87** - A translation of this document is submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 4, 2006

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known			
			Application Number		09/931,912	
			Filing Date		August 20, 2001	
			First Named Inventor		Nghi Nguyen	
			Art Unit		1751	
			Examiner Name		E. Elhilo	
Sheet	1	of	2	Attorney Docket Number		05725.0593-00000

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 PATENT & TRADEMARK OFFICE

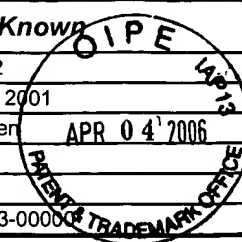
U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	1	5,294,230	3/15/1994	Wu et al.	
	2	5,419,895	5/30/1995	Kubo et al.	
	3	5,565,192	10/15/1996	Leroy et al.	
	4	5,932,201	8/3/1999	de Labbey et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	5	CN 1138450	12/25/1996	L'Oréal		Abstract
	6	JP-A S50-029756	3/25/1975	L'Oréal		
	7	JP-A S50-029757	3/25/1975	L'Oréal		
	8	JP-A S63-190814	8/8/1988	The Gillette Co.		
	9	JP-A H02-104515	4/17/1990	L'Oréal		
	10	JP-A H04-243860	8/31/1992	L'Oréal		
	11	JP-A H04-295413	10/20/1992	Helene Curtis, Inc.		
	12	JP-A H05-246827	9/24/1993	L'Oréal		
	13	JP-A H08-245559	9/24/1996	Wella Aktiengesellschaft		
	14	JP-A H5-39211	2/19/1993	Shiseido Co., Ltd.		
	15	JP-A H6-172141	6/21/1994	Takara Belmont KK		Abstract
	16	JP-A H6-343511	12/20/1994	L'Oréal		
	17	JP-A H7-101840	4/18/1995	KAO Corp.		Abstract
	18	JP-A 2002-003346	1/9/2002	Dowa Yakusho KK		Abstract
	19	JP-A 2002-68976	3/8/2002	Chuo Aerosol Kagaku KK		Abstract
	20	WO 99/18922	4/22/1999	L'Oréal		Abstract

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	09/931,912
		Filing Date	August 20, 2001
		First Named Inventor	Nghi Nguyen
		Art Unit	1751
		Examiner Name	E. Elhilo
Sheet	2	of	2
		Attorney Docket Number	05725.0593-0000



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	21	Advisory Action dated July 22, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
	22	English language Derwent Abstract for CN 1138450	
	23	English language Derwent Abstract for JP-A H6-172141	
	24	English language Derwent Abstract for JP-A H7-101840	
	25	English language Derwent Abstract for JP-A 2002-003346	
	26	English language Derwent Abstract for JP-A 2002-68976	
	27	Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.	Yes
	28	English language translation of Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.	
	29	Office Action dated August 31, 2005, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848-00).	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.